

REMARKSInformation Disclosure Statement

An Information Disclosure Statement (IDS) is being filed concurrently herewith. Entry of the IDS is respectfully requested.

Status of claims

Claims 1-18 remain in this application. Claims 1, 3, 4, 5, 12 and 17 are currently being amended. New claims 19-20 have been added.

Claims 3, 5, 12 and 17 have been amended to obviate the rejection thereof under 35 U.S.C. 112, second paragraph.

Claims 1-3 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro ('295) in view of Cho ('461). Claims 4, 5 and 9-17 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro ('295), Cho ('461) and further in view of Forkner ('592).

Claim 6 has been rejected under 35 U.S.C. 103(a) as being unpatentable over the above combination of references and further in view of Uram ('740). Claims 7 and 8 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro, Cho, Forkner and Uram and further in view of Hilband. Finally, Claim 18 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Tashiro, Cho, Forkner and further in view of Nudelman ('685).

The Office Action indicates "that it would be an obvious consideration for one of ordinary skill in the art to construct such an endoscope of any reasonable diameter as is known in the art". The Office Action seeks to rely on Cho as disclosing a device having an outer diameter of 3 mm or less. However, Cho uses an eyepiece 39 so that a viewer can look directly through channel 35. Cho fails to disclose or suggest the use of an imaging device in combination with a small diameter endoscope using a fiber optic waveguide that transmits images from a distal end to a proximal end. It is precisely the difficulty in coupling an image of sufficient resolution and size through a small diameter

3 mm or less to an imaging device that is not an obvious consideration to one of ordinary skill in the art.

The claims have been amended to further clarify the distinctions relative to the prior art. The independent claims now recite a handle attached to a rigid endoscope body. The imaging device is located within the handle and the sheath is recited as being removably attached to the handle. The cited references fail to disclose or suggest the recited endoscope device.

### CONCLUSION

In view of the amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone call would expedite the prosecution of this case, the Examiner is invited to call the undersigned at (508) 416-2475.

Respectfully submitted,

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By

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